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J1040 U.S. PTO
09/992272

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

Attorney Docket No. XX0163US (#90575)

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): **Robert C. Ruhl**

For (title): **MULTIPURPOSE REVERSIBLE ELECTROCHEMICAL SYSTEM**

J1040 U.S. PTO
09/992272
11/14/01

1. Type of Application

This new application is for a(n) (check one applicable item below):

- ☒ (X) Original
- ☐ () Design
- ☐ () Plant
- ☐ () Divisional
- ☐ () Continuation
- ☐ () Continuation-in-part (CIP)

****NOTE:** If one of the following 3 items apply, then complete and attach added pages for new application transmittal where benefit of a prior U.S. application claimed.

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date noted below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EF170375135US addressed: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Christine A. Kotran
(Type name of persons mailing paper)

Date: November 14, 2001

Christine A. Kotran
(Signature of person mailing paper)

10/2001/ck

2. Benefit of Prior U.S. Application(s) (35 USC 120)

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OR PRIOR U.S. APPLICATION(S) CLAIMED.

NOTE: **Each** paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b)

- ☒ (X) The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed Which are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

- ☒ (X) 13 Pages of specification
☒ (X) 5 Pages of claims (17 claims)
☒ (X) 1 Pages of Abstract
☒ (X) 1 Sheets of drawing
 ☐ () formal
 ☒ (X) informal

4. Additional papers enclosed

- ☐ () Preliminary Amendment
☒ (X) Information Disclosure Statement
☒ (X) Form PTO-1449
☒ (X) Citations
☐ () Declaration of Biological Deposit
☐ () Special Comments
☐ () Other

5. Declaration or oath

- ☒ (X) Enclosed
 executed by (check **all** applicable boxes)
 ☒ (X) inventor(s).
 ☐ () legal representative of inventor(s). 37 CFR 1.42 or 1.43

- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 12 below for fee.
- ☐ Not Enclosed.
- ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.
- ☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same

or

- ☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted
 - ☐ will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

- ☒ English
- ☐ Non-English
- ☐ the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

☒ An assignment of the invention to **Technology Management, Inc.**

☒ is attached (with separate transmittal)

☐ will follow

9. Certified Copy

Certified copy(ies) of application(s)

_____	_____	_____
(country)	(appl. no.)	(filed)

_____	_____	_____
(country)	(appl. no.)	(filed)

_____	_____	_____
(country)	(appl. no.)	(filed)

from which priority is claimed

☐ is (are) attached

☐ will follow

NOTE: The foreign application forming the basis for the claim for priority **must** be referred to in the **oath** or **declaration**. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. if any parent U.S. application or International Application form which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application then complete item 17 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OR PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation

A. (X) Regular application

CLAIMS AS FILED						
Number Filed		Number Extra		Rate	Basic Fee \$ 740.00	
Total Claims	17	-20 =	---	X	\$18.00 =	---
Independent Claims	3	- 3 =	---	X	\$84.00 =	---
Multiple dependent claim(s), if any				X	\$280.00 =	---
<input type="checkbox"/> Amendment canceling extra claims enclosed						
<input type="checkbox"/> Amendment deleting multiple dependencies enclosed						
<input type="checkbox"/> Fee for extra claims is not being paid at this time						

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$740.00

B. () Design application

(\$330.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$

11. Small Entity Statement

(X) This is a statement that the applicant(s) qualify for small entity status under the patent statutes.

Filing Fee Calculation (50% of A or B above) \$370.00

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

12. Fee Payment Being Made At This Time

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)
- ☒ Enclosed
- | | |
|---|--------------------------------|
| (X) basic filing fee | \$370.00 |
| (X) recording assignment
(\$40.00; 37 CFR 1.21(h)(1)) | \$ 40.00 (separate submission) |
| () petition fee for filing by
other than all the inventors
or person on behalf of the
inventor where inventor refused
to sign or cannot be reached.
(\$130.00; 37 CFR 1.47 & 1.17(h)) | \$ |
| () for processing an application
with a specification in a
non-English language. (\$130.00
37 CFR 1.52(d) and 1.17(k)) | \$ |
| () processing and retention fee
(\$130.00; 37 CFR 1.53(d) and
1.21(l)) | \$ |
| Total fees enclosed | <u>\$410.00</u> |

13. Method of Payment of Fees

- ☒ Two checks one each in the amount of **\$370.00** and **\$40.00**
- ☐ Charge Account No. 08-2441 in the amount of \$
- A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

14. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing the following items should **not** be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

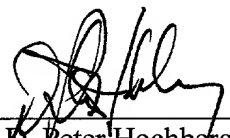
- (X) The Commissioner is hereby authorized to charge the following additional fees required by this paper and during the entire pendency of this application to Deposit Account No. 08-2441.
- (X) 37 CFR 1.16 (filing fees)
- (X) 37 CFR 1.16 (presentation of extra claims)
- (X) 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- (X) 37 CFR 1.17 (application processing fees)
- () 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b)).

15. Instruction As To Overpayment

() Credit Account No. 08-2441. This transmittal is submitted in duplicate.

(X) **Refund** directly to the undersigned, **specifically identifying our Docket No. XX0163US.**

Respectfully submitted,

By: 
D. Peter Hochberg
Reg. No. 24,603

DPH/ck
Enc.

D. Peter Hochberg Co., L.P.A.
1940 East 6th Street - 6th Floor
Cleveland, Ohio 44114-2294
(216) 771-3800

(X) **Incorporation by reference of added pages**

Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attached the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

(X) Plus Added Pages For New Application Transmittal Wherein

Benefit Of Prior U.S. Application(s) Claimed

Number of pages added 5

(X) Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added 68

() **Statement Where No Further Pages Added**

If no further pages from a part of this Transmittal then end this Transmittal with his page and check the following item

() This transmittal ends with this page.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED**

NOTE: See 37 C.F.R. § 1.78.

17. Relate Back

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(complete the following, if applicable)

☐ Amend the specification by inserting, before the first line, the following sentence:**A. 35 U.S.C. 119(e)**

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).

☒ "This application claims the benefit of U.S. Provisional Application(s) No(s).:**APPLICATION NO(S):****FILING DATE**

60 / 249,098	11/15/2000	"
_____ / _____	_____	"
_____ / _____	_____	"

B. 35 U.S.C. 120, 121 and 365(c)

NOTE: "Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. . . . Cross-references to other related applications may be made when appropriate." (See § 1.14(a)). 37 C.F.R. § 1.78(a)(2).

☐ "This application is a☐ continuation

☐ continuation-in-part

☐ divisional

of copending application(s)

☐ application number 0 / _____ filed on _____”

☐ International Application _____ filed on _____
and which designated the U.S.”

NOTE: The proper reference to a prior filed PCT application that entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application that designated the U.S.

NOTE: (1) Where the application being transmitted adds subject matter to the International Application, then the filing can be as a continuation-in-part or (2) if it is desired to do so for other reasons then the filing can be as a continuation.

NOTE: The deadline for entering the national phase in the U.S. for an international application was clarified in the Notice of April 28, 1987 (1079 O.G. 32 to 46) as follows:

“The Patent and Trademark Office considers the International application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of § 1.494 and paragraph (i) of § 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application.”

☐ “The nonprovisional application designated above, namely application _____/_____, filed _____, claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

FILING DATE

_____ / _____	_____”
_____ / _____	_____”
_____ / _____	_____”

☐ Where more than one reference is made above please combine all references into one sentence.

18. Relate Back—35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appln. no.	Filed
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The certified copy(ies) has (have)

☐ been filed on _____, in prior application 0 / _____, which was filed on _____.

☐ is (are) attached.

WARNING: *The certified copy of the priority application that may have been communicated to the PTO by the International Bureau may not be relied on without any need to file a certified copy of the priority application in the continuing application. This is so because the certified copy of the priority application communicated by the International Bureau is placed in a folder and is not assigned a U.S. serial number unless the national stage is entered. Such folders are disposed of if the national stage is not entered. Therefore, such certified copies may not be available if needed later in the prosecution of a continuing application. An alternative would be to physically remove the priority documents from the folders and transfer them to the continuing application. The resources required to request transfer, retrieve the folders, make suitable record notations, transfer the certified copies, enter and make a record of such copies in the Continuing Application are substantial. Accordingly, the priority documents in folders of international applications that have not entered the national stage may not be relied on. Notice of April 28, 1987 (1079 O.G. 32 to 46).*

19. Maintenance of Copendency of Prior Application

NOTE: *The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).*

A. ☐ Extension of time in prior application

*(This item **must** be completed and the papers filed in the prior application, if the period set in the prior application has run.)*

☐ A petition, fee and response extends the term in the pending **prior** application until _____

☐ A **copy** of the petition filed in prior application is attached.

B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ A **copy** of the conditional petition filed in the prior application is attached.

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☐ the same.

- ☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

- ☐ the following additional inventor(s) have been added:

(type name(s) of inventor(s) to be deleted)

- (c) ☒ The inventorship for all the claims in this application are

☒ the same.

- ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted.

☐ will be submitted.

21. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

NOTE: According to the Notice of May 13, 1983 (103, TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

WARNING: "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP, § 706.07(b), 6th ed., rev.2.

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

(check the next item, if applicable)

☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

23. Small Entity (37 CFR § 1.28(a))

☐ Applicant has established small entity status by the filing of a statement in parent application /_____ on _____.

☐ A copy of the statement previously filed is included.

☒ APPLICANT IS ENTITLED TO AND HEREBY CLAIMS SMALL ENTITY STATUS.

WARNING: See 37 CFR § 1.28(a).

24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

☐ A notification of the filing of this
(check one of the following)

☐ continuation

☐ continuation-in-part

☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.